

ESTTA Tracking number: **ESTTA509571**

Filing date: **12/06/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	US Foods, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	9399 West Higgins Road Rosemont, IL 60018 UNITED STATES		

Attorney information	Amy Cohen Heller Schiff Hardin LLP 233 South Wacker Drive Chicago, IL 60606 UNITED STATES trademarks@schiffhardin.com Phone:312-258-5521
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### Registration Subject to Cancellation

Registration No	1536352	Registration date	04/25/1989
Registrant	ORCHIDS PAPER PRODUCTS COMPANY 4826 HUNT STREET PRYOR, OK 743619803 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 016. First Use: 1988/01/26 First Use In Commerce: 1988/03/15  
All goods and services in the class are cancelled, namely: BATHROOM TISSUE AND PAPER TOWELS

### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	US Foods-Orchids Cancellation.pdf ( 3 pages )(33753 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/amycohenheller/
Name	Amy Cohen Heller
Date	12/06/2012



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

US FOODS, INC.,	)	
	)	Registration No.: 1,536,352
	)	
Petitioner,	)	
	)	Cancellation No.: _____
v.	)	Mark: VAL-U PLUS
	)	Date Registered: April 25, 1989
ORCHIDS PAPER PRODUCTS	)	
COMPANY,	)	
	)	
Registrant.	)	
	)	

**PETITION TO CANCEL**

Petitioner US Foods, Inc. hereby petitions for cancellation of Registration No. 1,536,352 for the mark VAL-U PLUS, registered to Orchids Paper Products Company, and states as follows:

1. Petitioner US Foods, Inc. ("Petitioner") is a corporation organized under the laws of Delaware.
2. The United States Patent and Trademark Office ("PTO") records identify Orchids Paper Products Company, with an address of 4826 Hunt Street, Pryor, Oklahoma 74361 ("Registrant"), as the owner of U.S. Registration No. 1,536,352 for the mark VAL-U PLUS, in International Class 16 in connection with "Bathroom tissue and paper towels" (the "Registered Mark").
3. On February 22, 2012, Petitioner filed an application for intent to use the mark VALU PLUS and Design, in connection with, in part, "Bathroom tissue; paper napkins; paper

towels; plastic wrap; trash can liners” in International class 16. The application was assigned Serial No. 85/549,499 (the “Application”).

4. The PTO Examining Attorney refused registration of Petitioner’s Application under Trademark Act Section 2(d), based on the Registered Mark.

5. On information and belief, Registrant has abandoned the mark VAL-U PLUS in connection with bathroom tissue and paper towels.

6. On information and belief, Registrant has discontinued use of the mark VAL-U PLUS in connection with bathroom tissue and paper towels, with intent not to resume such use.

7. On information and belief, Registrant has not used the mark VAL-U PLUS in connection with bathroom tissue and paper towels for three consecutive years.

8. Petitioner believes that it will be damaged by the Registered Mark, and hereby petitions to cancel same.

WHEREFORE, Petitioner requests that U.S. Registration No. 1,536,352 for the mark VAL-U PLUS be cancelled.

Respectfully Submitted,

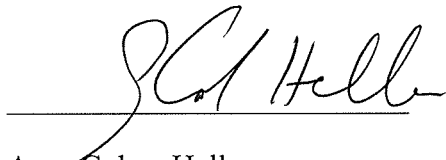


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Dated: December 6, 2012

**CERTIFICATE OF FILING**

I hereby certify that this correspondence was filed electronically through the TTAB's ESTTA (Electronic System for Trademark Trials and Appeals) system, on December 6, 2012.



Amy Cohen Heller  
SCHIFF HARDIN LLP  
233 South Wacker Drive  
Chicago, IL 60606  
(312) 258-5521  
Attorney for US Foods, Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the attached "PETITION TO CANCEL" has been served upon the Registrant, Orchids Paper Products Company and the Attorney for Registrant by first class mail, postage prepaid, on December 6, 2012, addressed to the following:

Orchids Paper Products Company  
4826 Hunt Street  
Pryor, Oklahoma 74361

Joseph D. Fincher  
Hall Estill Hardwick Globe  
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Tulsa, Oklahoma 74103



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